

**U.S. House of Representatives**  
**Committee on the Judiciary**  
Washington, DC 20515-6216  
One Hundred Ninth Congress

January 20, 2005

Mr. Warren Mitofsky  
Mitofsky International  
1776 Broadway, Suite 1708  
New York, NY 10019

Larry Rosin, President  
Edison Media Research  
6 W. Cliff Street  
Somerville, NJ 08876

Dear Mr. Mitofsky and Mr. Rosin:

I have reviewed the internal report you issued yesterday concerning your exit polling in the 2004 election, and, unfortunately, it has not caused my concerns and questions regarding the significant discrepancies between your polling data and the final electoral results to diminish.

In particular, I would note that there are a number of concerns with the explanations you posited in your internal report that do not credibly account for the unprecedented five point differential between your exit polls and the reported results. As I am sure you know, Professor Steven Freeman of the University of Pennsylvania has determined that such a differential was of a less than 1 in a 1000 likelihood – virtually impossible as a statistical matter.

To be frank, blaming such factors as distant restrictions on polling places, weather conditions, the age of exit poll workers, and the fact that multiple precincts were contained at the same polling place, as your report does, does not come close to explaining why the exit polls overstated support for the Kerry/Edwards ticket in 26 states and support for the Bush/Cheney ticket in only 4 states. Many of the factors you point to appear to merely be random characteristics of the election and your exit polling, rather than quantifiable and justifiable explanations. Nor can I believe that the massive discrepancies can credibly be written off to eagerness of Kerry voters to participate in the exit polls.

As a result, I would like to reiterate my request to receive the actual raw exit poll data that you obtained. I would also like to obtain copies of all internal deliberations, memos and other materials of your employees and consultants concerning or seeking to explain the discrepancies. To the extent you have concerns regarding releasing propriety information, I am willing to work

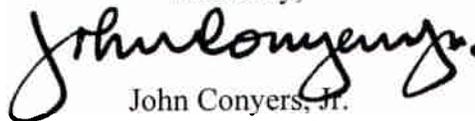
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with you to either receive this information on a confidential basis, or alternatively to bring in a neutral, outside expert to review these materials.

The stakes for our democracy are simply too high for us to allow this matter to pass without a serious and substantive review of the exit poll data. While the election is over, there is significant bipartisan sentiment in Congress and around the nation for voting reform. A complete and full release of the exit poll information will therefore not only help to resolve lingering doubts regarding irregularities in the 2004 election, it will also go a long way towards helping Congress understand how to best craft these reforms. I am hopeful that the media companies that contract for your services will also understand and support the importance of providing full, complete, and transparent information in this matter.

I would appreciate your responding to my office through my Judiciary Committee staff, Perry Apelbaum and Ted Kalo, 2142 Rayburn House Office Building (tel. 202-225-6504, fax 202-225-4423), by January 27<sup>th</sup>. Thank you.

Sincerely,

A handwritten signature in black ink that reads "John Conyers, Jr." in a cursive style.

John Conyers, Jr.  
Ranking Member

House Judiciary Committee

cc: Hon. F. James Sensenbrenner, Jr.  
Chairman, House Judiciary Committee